

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LULELYA BROWN,

Plaintiff,

v.

WALT MASLEN,

Defendant.

Case No. C24-0358RSM

ORDER OF DISMISSAL

This matter comes before the Court *sua sponte*. *Pro se* Plaintiff Lulelya Brown has been granted leave to proceed *in forma pauperis* in this matter. Dkt. #4. The Complaint was posted on the docket on April 8, 2024. Dkt. #5. Summons has not yet been issued.

On April 9, 2024, the Court found that dismissal was likely warranted under Federal Rule of Civil Procedure 12(h)(3) and 28 U.S.C. § 1915(e)(2)(B)(ii). Dkt. #6. The Court ordered Ms. Brown to “write a short and plain statement telling the Court (1) the basis for this Court’s subject matter jurisdiction, (2) the basis for personal jurisdiction over this Defendant, and (3) why this case should not otherwise be dismissed as frivolous.” *Id.* at 7. The Court noted that failure to file such would result in dismissal. *See id.*

The response was due May 13, 2024. The Court received no response or other communication from Plaintiff.

1 Federal Rule of Civil Procedure 12(h)(3) provides that the Court must dismiss an action
2 if it determines, at any time, that it lacks subject matter jurisdiction. Furthermore, the Court
3 will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
4 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
5 *See* 28 U.S.C. § 1915(e)(2)(B).
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7 Plaintiff, a Washington State resident, brings this action against Walt Maslen, a resident
8 of Alaska. Dkt. #5 at 2. Mr. Maslen was Plaintiff's former landlord in Alaska, and this case
9 clearly relates to that landlord-tenant relationship, a breach of the lease agreement, and
10 subsequent harassment. There are no allegations that Mr. Maslen has had any contacts with the
11 State of Washington.
12

13 The Court has determined it does not have personal jurisdiction over Defendant or
14 subject matter jurisdiction over these claims. Plaintiff submits a form Complaint for violation
15 of civil rights but has left many of the fields blank and instead attached a rambling set of facts
16 and law interspersed with exhibits. *Id.* The total filing is 97 pages long. Under "Basis for
17 Jurisdiction" the form is not filled out, and the possible bases for jurisdiction are blank. *Id.* at
18 5. The Civil Cover Sheet submitted by Plaintiff has checked "Diversity" as the basis of
19 jurisdiction. Dkt. #1-3. Federal Question jurisdiction is not selected. The parties are clearly
20 located in different states and Plaintiff requests "actual/compensatory/punitive/pain and
21 suffering damages in the amount of \$5,000,000..." Dkt. #5 at 93. Diversity jurisdiction under
22 28 U.S.C. § 1332 could be demonstrated if the amount in controversy exceeded \$75,000.
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25 On the other hand, the Complaint alleges violations of constitutional rights, as well as
26 "constitutional contract rights." *Id.* at 15. On page 76, the Complaint states: "Claim(s) upon
27 which relief can be granted due to the injury caused to me (Lulelya Brown) by Walt Maslen
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1 and his Discrimination/Racial profiling/Harassment and breaches of Contract while being my
2 recent past landlord: for violations of: 42 U.S. Code § 1981 (a)/(b)/(c)... 42 U.S. Code §
3 1982... 42 U.S. Code § 3604... 42 U.S.C. § 3617... 42 U.S.C. § 3631... 42 U.S. Code §
4 3631... The Constitution of the State of Alaska... Declaration of Independence... Alaska
5 statutes § 18.80.240... ALASKA UNIFORM RESIDENTIAL LANDLORD & TENANT
6 ACT...” Dozens of laws are listed. Federal question jurisdiction under 28 U.S.C. §1331 might
7 be implicated, depending on the facts.
8

9 The alleged facts are scattered throughout the 97 pages in a way that is difficult to
10 follow. On page 10 Plaintiff says ...“I, Lulelya Brown moved out of the condo I rented from
11 Walt Maslen on 3-31-2022 [] and enduring his refusal to fix/repair any of the appliances/items
12 in the unit upon which I rented from him and also the intentional and crystal clear
13 discrimination/racial profiling I... and my husband and 2 daughters went through...” On page
14 14 Plaintiff states that her landlord texted her days or weeks before the first of “almost” every
15 month to inform her to pay rent “as if I am a dumb inadequate woman without the capacity and
16 common-sense to pay my rent” and argues that this “establishes ‘harassment’” under Alaskan
17 Criminal Law § 11.61.120(a)(1) “without a doubt.” In the next paragraph Plaintiff discusses
18 how she was given an eviction notice during the “CDC moratorium” after she informed
19 Defendant she could only pay half of the month’s rent. *Id.* Plaintiff alleges in the next
20 paragraph that Defendant’s “intentional and flagrant bragging/boasting/flaunting” of his wealth
21 constitutes criminal harassment under Alaskan law. *Id.* She alleges Defendant racially profiled
22 her and her family by automatically assuming that she is the “prime suspect” when there were
23 problems with the property. *Id.* Further details on that allegation are lacking. She discusses
24 problems with mold under the bathroom sink. Plaintiff attaches many photos of her condo and
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1 text messages with her landlord. She discusses a need to replace the master bedroom window
 2 and issues with many other fixtures in the condo. On page 44 Plaintiff states:

3 “To further establish/prove/confirm/corroborate the malicious
 4 discriminatory, racist, and lying ways of Walt Maslen, I have
 5 supplied the nonfactual and completely uncorroborated
 6 unfavorable landlord reference form by Gruening Park in Juneau,
 7 AK which reflects that Walt Maslen insisted on lying on [sic] me
 8 to my possible future landlord even though I do not owe him a
 9 dollar and the minor carpet damage from the rabbit Walt Maslen
 10 allowed me to have while being a tenant of his was paid for upon
 11 my leaving his condo/unit (he stole/kept half of my deposit even
 12 though he allowed the rabbit to stay in the condo), THEREFORE, I
 13 HAVE DISPLAYED THE MALICE AND HATE WALT
 14 MASLEN HAS FOR AFRICAN AMERICANS:

15 ...

16 [email from Defendant stating] One of the worst renters I have
 17 ever had. So much damage. 7 months back rent. she threatened me
 18 many times.

19 Bad, very bad

20 ...

21 [email from Defendant stating] She has accused me and my agent
 22 of being racist many times and claimed she has retained a lawyer. I
 23 just wanted her out. She is a very angry woman!

24 *Id.* at 44, 47, and 49. The Complaint continues in this fashion, detailing how her landlord gave
 25 her a bad reference but did not include concrete evidence of the damage to the apartment.

26 On page 61 Plaintiff attaches a January 2021, text chain with her landlord that states
 27 (punctuation has been cleaned up):

28 Defendant: Good morning. Just a reminder that rent is due today!
 Happy new year.

Plaintiff: I spaced it sorry but I have the money and will be paying
 it today.

Defendant: That’s fine. Let me know when you make the deposit
 [smiley face emoji]

1 Plaintiff: Walt I am so sorry I keep attempting to transfer the
2 money to you and my stupid app won't let me [face palm emoji]

3 Defendant: Please visit Wells Fargo in the morning

4 Plaintiff: I'm actually in the airport rn flying...

5 On page 62 Plaintiff attaches a March 29, 2021, text chain with her landlord
(punctuation has been cleaned up):

6 Defendant: Good morning. Just a reminder that rent is due in 2
7 days.

8 Plaintiff: Thank you for the reminder. I haven't forgotten just
9 waiting on my pay check to hit my account.

10 Defendant: Just a reminder. Catholic services have a new program
for rent assistance which pays for up to 12 months. Call and ask for
Edger.

11 Plaintiff: I have already applied for one [smiley face emoji]. I'm
12 not struggling to pay my rent but the help won't hurt [shrugging
emoji][crying with laughter emoji].

13 Defendant: Ok.

14 There are several further text exchanges that appear to demonstrate a pleasant, respectful
15 relationship between landlord and tenant. On page 72 Plaintiff attaches the following texts:

16 Defendant: Yes your [sic] right. I may as [sic] tell you now and
17 you can consider this official. I do not plan on renewing your lease
18 in March. I am required to give you a 30 day notice by the terms of
the lease also this gives you additional time to start your search.

19 Plaintiff: I didn't plan on renewing my lease anyways. [thumbs up
20 emoji] but until then I still have a washer that is messing up and
21 that is still your responsibility considering I am still currently your
tenant...

22 On pages 73 and 74 there are text messages discussing how Defendant is "treating [Plaintiff]
23 like a 12 year old;" at one point Defendant states "Good Morning: I know your [sic] getting
24 tired of me treating you like a 12 year old but you are now 15 days late on your rent. What are
25 your plans? I also received another disconnect notice.... I need you to make a decision on what
26 your [sic] going to do soon because when I file your execution [sic] notice you will have 7 days
27 to move and I plan on doing that Wednesday." On page 82 Plaintiff says "...being that Walt
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1 Maslen and his refusal to fix/repair anything in the condo I leased from him as well as all the
2 other disrespectful and inhumane discrimination/racial profiling “EXPELLED” me from the
3 condo I leased from Walt Maslen without a doubt!” Plaintiff seeks \$5,000,000 in relief. *Id.* at
4 93. She states that she “intend[s] on filing a Federal Felony Criminal Complaint” against
5 Defendant. *Id.* at 96.
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7 Although the parties are diverse because they reside in different states, the amount in
8 controversy is not pled with clarity and is untethered to the actions of Defendant. The
9 \$5,000,000 figure jumps out of nowhere and is not a plausible amount of damages given the
10 nature of the relationship between the parties and the alleged actions of Defendant.
11 Furthermore, disputes between landlords and tenants are typically resolved in state court. The
12 Court strongly believes that this case should be filed in a state court of some kind in Alaska.
13 There are no facts indicating that Defendant, located in Alaska, has sufficient contacts with the
14 State of Washington.
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16 Venue is improper as Defendant resides in Alaska and that is where the events took
17 place. “A civil action may be brought in . . . (1) a judicial district in which any defendant
18 resides, if all defendants are residents of the State in which the district is located; (2) a judicial
19 district in which a substantial part of the events or omissions giving rise to the claim occurred .
20 . . . ; or (3) if there is no district in which an action may otherwise be brought as provided in this
21 section, any judicial district in which any defendant is subject to the court's personal
22 jurisdiction with respect to such action. 28 U.S.C. § 1391(b).
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25 Even if this Complaint was filed in the proper venue, it currently fails to state a claim
26 upon which relief can be granted. Plaintiff does not adequately connect Defendant’s actions to
27 violations of law. Plaintiff cites to dozens of laws without explaining how Defendant violated
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1 them. Citations to criminal laws are improper in this civil action. Plaintiff's allegations of
2 race-based harassment do not plausibly match up with the attached exhibits. Plaintiff has not
3 presented sufficient allegations for the Court to reasonably infer that the laws at issue were
4 violated.

5 The Complaint in its current form fails to state a claim and the Court lacks subject
6 matter jurisdiction over these claims. This case is properly dismissed under Rule 12(h)(3) and
7 28 U.S.C. § 1915(e)(2)(B).
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9 Accordingly, given the above and after reviewing the relevant pleading and the
10 remainder of the record, the Court hereby finds and ORDERS that Plaintiff's claims are
11 DISMISSED. This case is CLOSED.
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14 DATED this 15th day of May, 2024.

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17 RICARDO S. MARTINEZ
18 UNITED STATES DISTRICT JUDGE
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